



PATENT  
Docket No. 229752000700  
Client Reference 2178670/EJH/aal

**CERTIFICATE OF HAND DELIVERY**

I hereby certify that this correspondence is being hand filed with the United States Patent and Trademark Office in Washington, D.C. on February 8, 2002.

  
Barry C. Kinney

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

ZIMMET, Paul Zev

Serial No.: 09/331,930

Filing Date: June 30, 1999

For: A NOVEL GENE AND USES  
THEREFOR

Examiner: J. Seharaseyon

Group Art Unit: 1647

14/B  
M.G.J  
2/27/02

**AMENDMENT UNDER 37 C.F.R. §1.111**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated August 8, 2001, please amend this application as follows.

**IN THE SPECIFICATION**

Please amend the title of this application to "Gene for the Modulation of Obesity, Diabetes, and Metabolic Energy Levels".

**IN THE CLAIMS**

Please cancel Claims 2, 4, and 7-19 without prejudice or disclaimer.



Claims 1-6 have been rejected under 35 USC 112, first paragraph. Since the pending claims, as amended, are fully supported by the original specification, this rejection is also moot and should be withdrawn.

Claim 2 has been rejected under 35 USC 102(a) as being anticipated by Pauley et al. Since claim 2 has been cancelled, this rejection has been obviated. Applicants note, however, that Pauley does not disclose the expression of the molecule of any currently pending claim in larger amounts in the hypothalamus tissue of obese animals compared to lean animals. Moreover, the reference fails to provide any functional information regarding the sequence.

Claim 3 has been rejected under 35 USC 102(a) as being anticipated by Marra et al. Although the amendment to claim 3 presented herein obviates this rejection, applicants respectfully encourage the Examiner to consider that the sequence disclosed by Marra fails to disclose the expression of the molecule in larger amounts in the hypothalamus tissue of obese animals compared to lean animals.

Finally, claim 1 has been rejected under 35 USC 102(b) as being anticipated by Wilding et al. In view of the amendment to claim 1, this rejection is now moot.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**".